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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

P R E S E N T

THE HON'BLE MR. JUSTICE ASHOK BHAN

A N D

THE HON'BLE MR. JUSTICE S.R. VENKATESHA MURTHY

WRIT PETITION NO.17410/1998

BETWEEN:

Sri. K.K.Sanganal,

S/o Kanakappa Shivappa Sanganal,

aged about 31 years,

R/at Shivapath, 1st Cross,

at and post Ron,

Taluk Ron - 582 209,

Dist: Gadag.

... Petitioner.

(By Sri.M.P.Eswarappa for Sri.K.G.Nayak for Petr.)

AND:

1. The State of Karnataka,
rep. by its Secretary &
Commissioner (Finance &
Excise) Vidhana Soudha,
Bangalore - 1.

2. The Excise Commissioner,
Vokkaligara Sangha,
Hudson Circle, Bangalore.

... 2/-

3. Seven Hill Distillery Pvt. Ltd.,
Mannekote Village, Challakere
Taluk, by its Director -
Sri.D.Sudhakar. ... Respondents.

(By Sri.H.Kantharaja, G.A., for R-1 & R-2.)

This writ Petition filed under Articles 226 & 227 of the Constitution of India with an affidavit praying to: Direct the respondents to exercise powers vested under Rule 35 of the Karnataka Excise (Distillery and Warehouse) Rules 1967 and to suspend and cancel the licence issued to R3 in for No.2 under the Karnataka Excise (Distillery and Warehouse) Rules 1967 and etc.

This writ Petition coming on for preliminary hearing this day, the Court made the following:

O R D E R

This petition has been filed as public interest litigation seeking mandamus directing R-1 & 2 to suspend the licence granted to R-3 during the pendency of the show cause notice issued to R-3 for cancellation of the licence.

We do not agree with the submission made by the learned counsel for the petitioner that licence of R-3 has to be necessarily suspended in case a show cause notice is issued to it for its cancellation.

... 3/-

It is the prerogative of the concerned authority. Keeping in view the facts and circumstances as to whether a licence needs to be suspended or not pending issuance of show cause notice. This matter cannot be interfered with while exercising writ jurisdiction. Dismissed.

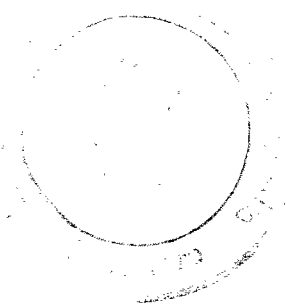
Sd/- Judge.

Sd/- Judge.

bsr(o.s.)

r.by: *20/8/98*

c.by: *L.*



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W2
Assistant Registrar
High Court of Karnataka
Bangalore-560 001

Asstul *21-8-98*

